

Aberdeenshire Council
Aberdeenshire Council
Stonehaven
Aberdeenshire
AB39 2DQ



Advice : HSL-240409112012-367 ADVISE AGAINST

Your Ref: APP/2024/0562

Development Name: Change of Use of Agricultural Land to Form Dog Exercise Park, Erection of Fence, Siting of Shelter and Formation of Car Parking Area

Comments: Site Adjacent To Westhill Drive, Westhill, Aberdeenshire, AB32 6EB

Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013]

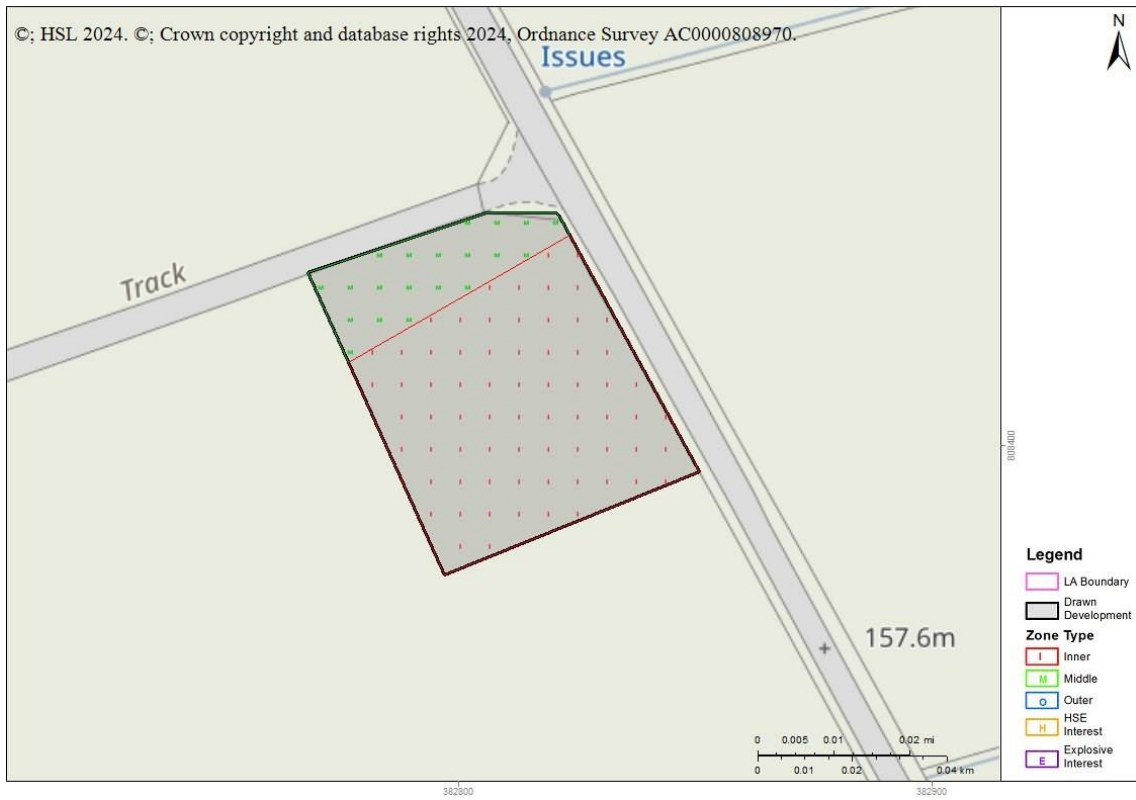
The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and also within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Aberdeenshire Council.

HSE's Advice: Advise Against. The assessment indicates that the risk of harm to people at the proposed development site is such that **HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.**

Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation. Where hazardous substances consent has been granted (by the Hazardous Substances Authority), then the maximum quantity of hazardous substance that is permitted to be on site is used as the basis of HSE's assessment.

If you decide to refuse planning permission on the grounds of safety, HSE will provide the necessary support.

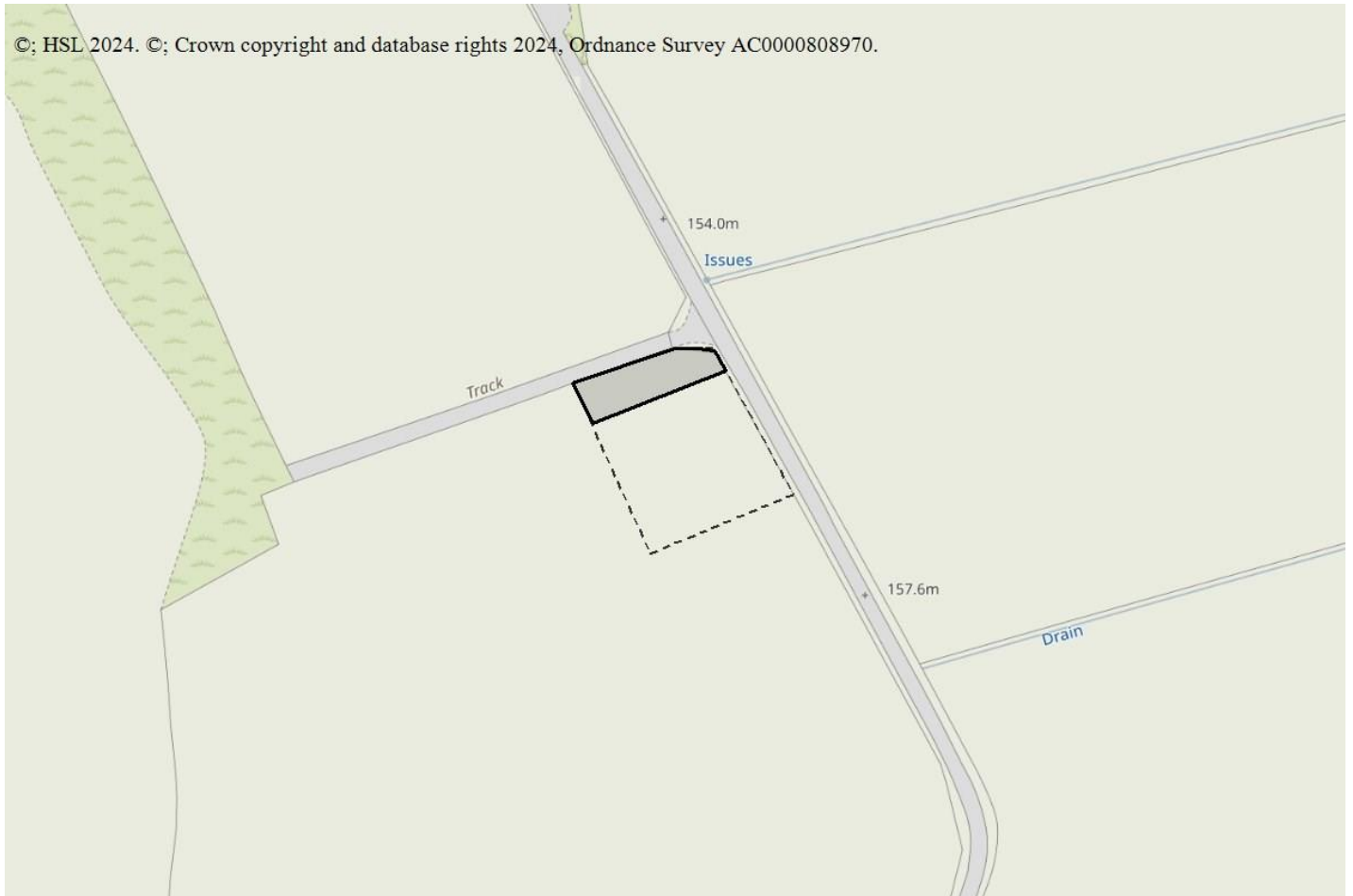
If, nevertheless, you are minded to grant permission, your attention is drawn to the Direction in the Annex to Scottish Planning Circular 3/2009. This instructs that the Scottish Ministers must be automatically notified: "where a planning authority proposes to grant planning permission for development falling within any of the descriptions of development listed in the Schedule to this Direction". This includes "Development which has been the subject of consultation with the Health and Safety Executive where the Health and Safety Executive has advised against the granting of planning permission or has recommended conditions which the planning authority does not propose to attach to the planning permission." The planning authority is required to notify the Scottish Ministers and cannot grant planning permission before the expiry of a period of 28 days beginning with the date notified to them by the Scottish Ministers as the date of receipt by them of the information which the planning authority are required to submit under the Direction. The Scottish Ministers may within that period, or an extended period, call in the application for their determination or clear it back to the planning authority. The planning authority should also notify the HSE. The notification should be sent to CEMHD5, HSE's Major Accidents Risk Assessment Unit by email to lupenquiries@hse.gov.uk. Please ensure the subject header says "Minded to Grant". The advance notice should include full details of the planning application, to allow HSE to further consider its advice in this specific case.



Breakdown:

Parking Areas : Do Not Advise Against

Is this a parking area with no other associated facilities, car parks which are part of another development type should be included within that development type Yes



Outdoor Use By Public : Advise Against

What is the maximum number of people likely to be present at any one time? Up to 100 people



If the proposed development relates to an extension to an existing facility, which will involve an increase of less than 10% in the population at the facility, then HSE may reconsider this advice; please contact HSE's Planning Advice team if this development involves such an extension.

Pipelines

- 8104_2363 Scotland Gas Network Ltd

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on our assessment of the pipeline as originally notified to us. It may be that in the vicinity of the proposed development the operator has modified the pipeline to reduce risks by, for example, laying thick-walled pipe. If you wish to contact the operator for this information then HSE is willing to re-assess the risks from the pipeline, relative to the proposed development, if all the following details are supplied to HSE by email (lupenquiries@hse.gov.uk):

- pipeline diameter, wall thickness and grade of steel.

- start and finish points of thick-walled sections (not required if it is confirmed that they are more than 750m from all parts of the development site).

Please note there may be an additional charge for this work.

This advice report has been generated using information supplied by Fenella McLeay at Aberdeenshire Council on 09 April 2024.

Note that any changes in the information concerning this development would require it to be re-submitted.

You may wish to contact HSE's Planning Advice team to discuss the above enquiry result or by email at lupenquiries@hse.gov.uk. Depending on the nature of the further discussions you may be advised that there is a charge for consultancy work done on your behalf by the team.